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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/824,595	04/02/2001	Randall Scott Springfield	RPS9 2000 0016	1231
47052	7590	03/27/2006	EXAMINER	
SAWYER LAW GROUP LLP PO BOX 51418 PALO ALTO, CA 94303			GYORFI, THOMAS A	
		ART UNIT		PAPER NUMBER
		2135		

DATE MAILED: 03/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/824,595	SPRINGFIELD ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Tom Gyorfi	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 28 February 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-14 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 1-14 remain for examination. The correspondence filed 2/28/06 added claims 13 and 14.

***Response to Arguments***

2. Applicant's arguments filed 2/28/06 have been fully considered but they are not persuasive.

3. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., that the identity of a boot source is a location) are not recited in the rejected independent claims 1 and 6. Additionally, in contrast to Applicant's statements on the last three lines of page 5 of the amendment, Examiner observes that claims 1 and 6 do not explicitly recite that the boot source involved in the respective method & system is a trusted boot source; the limitations only pertain to recording the identity of a boot source in the register, but that does not preclude the possibility that the boot source thusly recorded is untrusted. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

For reference, Examiner wishes to establish the following definitions as supplied by Webster's II New Riverside University Dictionary:

- "identity" – the collective aspect of the characteristics by which a thing is known

- “identifier” – (*Comp. Sci.*) a symbol that identifies, indicates, or names a body of data
- “identify” – to establish the identity of

It is immediately evident that the BIOS identifying information of Anderson – comprising information regarding the CPU or other hardware components with which a BIOS is designed to operate (col. 3, lines 5-10) – are the distinguishing characteristics of each BIOS in the system, and thus constitutes an “identity” under the broadest possible definition of the term. Anderson further establishes that one can record this identity of a boot source (col. 3, lines 23-26), such that one can determine whether the current boot source corresponds to the known boot source, wherein if the boot sources are found to be different then corrective action is taken (col. 3, lines 27-32).

Furthermore, even if the identity of the boot source were strictly limited to a reference to the boot source location, it is inherent to the Anderson reference that the identifying information/identity of the BIOS must include a location, as Anderson clearly teaches that the computer system involved can store multiple BIOS/boot sources either in a single EEPROM (col. 3, lines 15-20; col. 5, lines 19-32) or alternatively in external storage such as a floppy disk (col. 5, lines 5-17). Thus the system disclosed by Anderson requires some information, be it a specific address in the EEPROM or a file name on the floppy disk for example, to be able to discern where each BIOS is, in order to identify a BIOS for selection (see also col. 5, line 60 – col. 6, line 5).

For the record, Examiner wishes to note that upon further consideration, the Examiner's reference in the previous Office Action to col. 1, lines 43-47 of Grawrock that was interpreted as a "deficiency" of that invention was incorrect. The particular passage in actuality identifies a deficiency with the prior art of the time, which the Grawrock invention is purposefully designed to rectify by *inter alia* establishing the identity of the boot source (col. 1, line 65 – col. 2, line 6). As Grawrock discloses an identifier for this purpose (e.g. col. 6, lines 60-65), it can thus be said to establish the identity of the boot source as per the definitions cited above and in accordance with the language of claims 1 and 6.

### ***Claim Rejections - 35 USC § 103***

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grawrock (U.S. Patent 6,678,833) and further in view of Anderson (U.S. Patent 6,161,177).

Referring to Claim 1:

Grawrock discloses a method for evaluating a boot source in a computer system having a processor comprising the steps of: determining the boot source used by the processor each time the computer system boots (col. 3, lines 40-45; col. 4, lines 25-30), and allowing the boot source to be specified once as a known boot source (col. 3, lines 62-67).

It is unclear whether Grawrock discloses further including writing the identity of a boot source. However, Anderson discloses this limitation (col. 3, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to record the identity of a boot source into the invention disclosed by Grawrock, as doing so would permit some type of corrective action to be taken if an incongruity is detected (Anderson, col. 3, lines 27-32).

Regarding claim 2:

Grawrock and Anderson teach the limitations of claim 1 above. In addition, Anderson teaches specifying that the known boot source be a FLASH boot source (col. 4, lines 33-43).

Regarding claim 3:

Grawrock and Anderson teach all the limitations of claim 2 above. In addition, Grawrock further teaches writing the identity of the FLASH boot source in a write-once register which identifies the boot source for future boots (col. 3, lines 40-47).

Regarding claim 4:

Grawrock and Anderson teach the limitations of claim 1 above. In addition, Grawrock also teaches writing the identity of the boot source in a register each time the computer system boots (col. 4, lines 25-30).

Regarding claim 5:

Grawrock and Anderson teach the limitations of claim 1 above. In addition, Anderson teaches checking the boot source determined to ensure that the boot source is the known boot source (col. 3, lines 1-25).

Regarding claim 6:

Grawrock discloses a system for evaluating a boot source in a computer system having a processor coupled with a boot source, the system comprising:

a first register for storing an identifier of the boot source used by the processor each time the computer system boots (element 345 of Figure 3; col. 3, lines 40-45; col. 4, lines 25-30); and

a second register for allowing the boot source to be specified once as a known boot source (element 330 of Figure 3; col. 3, lines 62-67).

The Grawrock disclosure is unclear whether the identifier of the boot source recorded in the first register can be said to represent the identity of the boot source as taught by Applicant. However, Anderson teaches that one can record the identity of a boot source so as to distinguish it among multiple BIOSes in a computer system (col. 1, lines 13-20; col. 3, lines 20-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to record the identity of a boot source into the invention disclosed by Grawrock, as doing so would permit one to take some form of corrective action to be taken if an incongruity is detected (Anderson, col. 3, lines 27-32).

Regarding claim 7:

Grawrock and Anderson teach the limitations of claim 6 above. In addition, Grawrock teaches wherein the computer system includes a bridge coupling the processor with the boot source and wherein the first register and the second register are located in the bridge (col. 3, lines 7-24; Figures 2 and 3).

Referring to Claim 8:

Grawrock and Anderson teach the limitations of claim 7 above. Grawrock further discloses wherein the bridge is a south bridge (element 140 of Figure 1; col. 3, lines 18-24).

Regarding claim 9:

Grawrock and Anderson teach the limitations of claim 6 above. In addition, Grawrock teaches wherein the known boot source is written only once to the second register (col. 3, lines 62-67).

Regarding claim 10:

Grawrock and Anderson teach the limitations of claim 6 above. In addition, Anderson teaches wherein the known boot source is a FLASH boot source (col. 4, lines 33-43).

Regarding claim 11:

Grawrock and Anderson teach the limitations of claim 6 above. In addition, Grawrock teaches wherein the identity of the boot source is capable of checking the boot source stored in the first register to ensure that the boot source is the known boot source (col. 4, lines 25-30).

Regarding claim 12:

Grawrock and Anderson teach the limitations of claim 6 above. In addition, Anderson teaches wherein the processor is capable of boot source stored in the first register to ensure that the boot source is the known boot source (col. 3, lines 1-25).

Regarding claims 13 and 14:

Grawrock and Anderson teach the limitations of claims 1 and 6 above. Anderson further discloses wherein the identity of the boot source includes a location of the source of a particular number of instructions initially executed (Anderson, col. 4, lines 45-65; see also Grawrock, col. 3, lines 45-61).

***Conclusion***

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

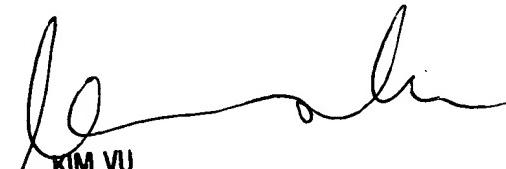
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Gyorfi whose telephone number is (571) 272-3849. The examiner can normally be reached on 8:30am - 5:00pm Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TAG  
3/14/06



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